

NEWS RELEASE

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Federal Grand Jury Indicts Carlinville Man and Three Corporations for Illegally Dumping Boron Contaminated Water into a Tributary of the Sangamon River

Springfield, IL - Rodger A. Heaton, United States Attorney for the Central District of Illinois, announced that the federal grand jury today returned a one-count indictment charging Gerald P. Lippold, age 64, of 12 Foxhill Drive, Carlinville, Illinois; Curry Ready Mix & Builders Supply, Inc., of 21149 Route 4, Carlinville, Illinois; Curry Ice & Coal of Springfield, Inc., of 3600 N. Dirksen Parkway, Springfield, Illinois; and Lippold & Arnett, Inc. of 3600 N. Dirksen Parkway, Springfield, Illinois, with knowingly discharging industrial wastewater that contained boron, a pollutant, into an unnamed tributary of the Sangamon River without first obtaining a National Pollutant Discharge Elimination System (NPDES) permit.

According to the indictment, ash from a utility company had been put in an excavation at the corporations' property located at 3600 North Dirksen Parkway, Springfield, Illinois. Excess levels of boron leached from the ash into water that had accumulated in the excavation. Lippold and the corporate defendants had been warned by the Illinois Environmental Protection Agency that an NPDES permit was required before they could discharge such water into an unnamed tributary of the Sangamon River that ran through the property. No such NPDES permit was ever obtained by the defendants. According to the Indictment, the concentration of boron in the wastewater was 13 times higher than the waster quality standard.

The indictment alleges that between March of 2003 and June 2003, Lippold, acting as an agent, for the corporate defendants, caused a substantial portion of the several million gallons of boron contaminated water at the site to be discharged into the unnamed tributary of the Sangamon River. Lippold caused such discharges in a number of ways including pumping the

water from the excavation into a trench that led to a drain which emptied in the tributary. He also caused discharges by having the water pumped through a hose that emptied on the bank of the tributary.

U.S. Attorney Heaton noted that this is the second Clean Water Act violation that his office has charged in less than a month. Both involve allegations of illegal dumping into the Sangamon River. The earlier indictment was returned on December 8, 2005. It alleged that Ronald Davenport, an employee of a Decatur seal-coating company, illegally discharged more than fifty gallons of toxic wastewater from a tank truck to the Sangamon River on September 19, 2004. Heaton remarked, "These cases demonstrate my office's commitment to aggressively prosecuting individuals and businesses that violate environmental laws. We will continue this effort and prosecute anyone who illegally pollutes our water supply."

If convicted, the penalty for violation of the Clean Water Act is up to three years imprisonment and a fine of not less than \$5,000 nor more than \$50,000 per day of the violation. Summons will be issued for the defendants to appear in federal court in Springfield at a date to be determined by the U.S. District Clerk.

Assistant U.S. Attorney Patrick J. Chesley and the investigative agents of the U.S. Environmental Protection Agency, the Illinois Environmental Protection Agency and the Illinois State Police are handling prosecution of the case.

Members of the public are reminded that an indictment is merely an accusation; the defendant is presumed innocent unless proven guilty.